
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: July 9, 2004

SUBJECT: Petition 400-03-36 – Mr. John Peters – request to rezone property at 2157 South Lincoln Street (945 East) from Residential Multi-Family RMF-35 to Residential Business RB and amend the Sugar House Community Master Plan

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the rezoning and master plan amendment will affect Council District 7

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Elizabeth Giraud, Planning Programs Supervisor

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration to:
 1. Rezone property at 2157 South Lincoln Street from Residential Multi-Family RMF-35 to Residential Business RB, and
 2. Amend the Sugar House Master Plan.

- B. The Administration's transmittal notes this property was included with the Sugar House Business District Master Plan and zoning revisions discussed by the Council in February 2003. Rezoning the property from Residential RMF-35 to Residential RB was one of the components of the proposed revisions. Concerns were expressed by Council Members and at the request of the Administration; the Council referred the petition back to the Planning Division for further study. The Council did not indicate any issues with the proposed zoning change for this property. Because issues relating to the overall Business District zoning and master plan revisions have not been resolved, Mr. Peters has chosen to pursue rezoning his property separately.

- C. The petitioner's application notes that the building is currently being used as professional offices by two attorneys and an investment company. The current zoning is restrictive regarding business use. The Residential Business zone would better fit the current use of the property and allow its continued use as professional offices. (These uses are not currently allowed in the current RMF-35 District.)

- D. The purpose of the Residential Business district is to provide for limited commercial use opportunities within existing residential areas located along higher volume streets while preserving the attractiveness of the area for single-family residential use. Office and limited commercial uses are allowed as permitted or conditional uses. New nonresidential construction of a new principal building, parking lot or addition to an existing building that includes demolition of an existing residential structure may only be approved as a conditional use and is subject to additional design standards specified in the District regulations.

- E. As previously noted, the property is currently zoned Residential RMF-35. The purpose of the Residential Multi-Family RMF-35 district is to provide an environment suitable for a variety of moderate density housing types including multi-family dwellings. Commercial and office types of uses are not permitted in this zone.
- F. The public process included a presentation to the Sugar House Community Council and written notification of the Planning Commission hearing to surrounding property owners. The Administration's transmittal notes the Community Council was supportive of the petition and recommended that the applicant list the property on the National Register of Historic Places and the Salt Lake City Register of Cultural Resources.
- G. The City's Fire, Police, and Public Utilities Departments and Transportation and Engineering Divisions have reviewed the request and indicated no objections to this petition. Future development proposals will be required to comply with City standards and demonstrate that there are adequate services to meet the needs of the project.
- H. On April 28, 2004, the Planning Commission voted to forward a positive recommendation to the City Council to rezone the property and amend the Sugar House Master Plan Future Land Use Map. Issues discussed at the Planning Commission hearing included:
 - 1. Listing the house and property on the National and Local Historic Registers.
 - 2. The need for an appropriate balance of residential and business uses in the area.
 - 3. Preservation of the residential neighborhood character along Elm Street.
 - 4. An existing Board of Adjustment case relating to the property and the conversion of the garage into a residential dwelling unit in violation of the conditions of approval.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

The Council may wish to discuss with Administration steps that have been taken to address the following issues:

- A. The Planning staff report notes that the second-story of the garage has been converted to a dwelling unit in violation of the conditions of approval for an existing Board of Adjustment case (No. 1450-B) relating to the property.
 - 1. The petitioner noted at the Planning Commission meeting:
 - o The dwelling above the garage was constructed before they acquired the property.
 - o The space above the garage is currently being used for storage.
 - o In the future they may want to pursue the opportunity to change the restrictions through a planned development.
 - 2. The Planning staff report recommendation to the Planning Commission specified that the applicant resolve the illegal apartment issue prior to advancing a rezoning recommendation to the City Council. The Commissioners discussed this issue in some detail and decided not to make this condition part of their motion. The minutes indicate that Planning staff would work with the petitioner to resolve this issue. (Please refer to the Planning Commission minutes for details.)
- B. The Planning staff report notes that in 2002, the current owners purchased the property. First Equity Financial, First Equity Holdings, and two attorneys' offices are currently located in the building. A total of eight people work in the building. As previously noted, commercial and office types of uses are not permitted in the Residential Multi-Family RMF-35 zone which is the current zoning of the property. It would appear that the existing use is in violation of the current zoning.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's transmittal and Planning staff report note:
 1. The Sugar House Master Plan (2001) is the adopted land-use policy document that guides new development in the area surrounding the proposed zoning map amendment.
 2. The Future Land Use Map identifies this area for Medium Density Residential uses. The Administration's transmittal notes that the Planning Division is requesting amending the Future Land Use Map in the Sugar House Master Plan as part of this petition. As previously noted:
 - a. Amending the master plan and rezoning the property from Residential RMF-35 to Residential RB was one of the components of the proposed Sugar House Business District revisions discussed by the Council in February 2003.
 - b. The property owner has chosen to move ahead with a separate rezoning petition.
 3. The Plan's Business District Goals and Objectives (pg. 17) notes the goal to eliminate obsolete structures unless they have historic or aesthetic value, and encourage adaptive re-use of structurally sound buildings demonstrating potential economic viability.
 4. The Plan contains historic preservation policies that are applicable to this petition because of the architectural and historical significance of the house associated with the subject property.
 5. The Administration's transmittal notes that the Residential Business RB zone would:
 - a. Require conditional use review by the Planning Commission and consideration of additional criterion for demolition of a residential structure.
 - b. Provide the house on the property some protection against demolition.
 - c. Allow the house to continue to be used for commercial purposes that make it economically viable to maintain and use.
 - d. Reinforces one of the historic preservation policies specified in the Sugar House Master Plan.

- B. The City's Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, public and neighborhood participation and interaction, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.

- C. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.

- D. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
 1. Is aesthetically pleasing;
 2. Contributes to a livable community environment;
 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 4. Forestalls negative impacts associated with inactivity.

- E. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed rezoning. Key dates are listed below. Please refer to the Administration's chronology for details.

- December 17, 2003 Sugar House Community Council meeting
- April 28, 2004 Planning Commission hearing

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Lee Martinez, David Dobbins, Louis Zunguze, Brent Wilde, Doug Wheelwright, Elizabeth Giraud, Lehua Weaver, Annette Daley

File Location: Community Development Dept., Planning Division, Rezoning and Master Plan Amendment, John Peters, 2157 S. Lincoln Street (945 East)